

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
JUL 6 2006  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WORCESTER

JANE DOE,  
SUZETTE LINDGREN,  
ANDREW MOYER,  
on behalf of themselves and all others  
similarly situated, and  
MASSACHUSETTS COALITION  
FOR THE HOMELESS, and  
CENTRAL MASSACHUSETTS  
HOUSING ALLIANCE,

Plaintiffs,

v.

CITY OF WORCESTER,  
WORCESTER PUBLIC LIBRARY, and  
WORCESTER PUBLIC LIBRARY  
BOARD OF DIRECTORS,

Defendants.

CIVIL ACTION NO.:

MOTION FOR CERTIFICATION  
OF CLASS

**06-40133**

Doe et al v. City of Worcester et al

Doc. 5

Plaintiffs Jane Doe, Suzette Lindgren and Andrew Moyer, pursuant to Rule 23 of the Federal Rules of Civil Procedure, move this Court to have this action maintained as a class action on behalf of themselves and the following class: all current and future residents of homeless shelters in the City of Worcester, transitional housing programs in the City of Worcester, and teen/children's programs in the City of Worcester, and other facilities affected by the library's policy regarding borrowing limits on temporary residences.

In support of the Motion, plaintiffs aver that the requirements of Rule 23 are met in that:

- (1) The class is so numerous that joinder of all members is impracticable;
- (2) There are questions of law or fact common to the class;

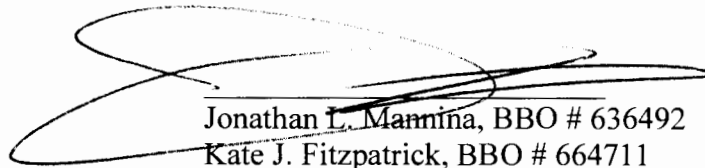
- (3) The claims of the representative parties are typical of the claims of the class;
- (4) The representative party will fairly and adequately represent the class interests;
- (5) The defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole

In support of this motion, plaintiffs also submit the attached Memorandum of Law in Support of its Motion for Certification of Class and the Affidavit of Grace Carmark, dated July 5, 2006.

Wherefore, plaintiffs respectfully request that the foregoing class be certified.

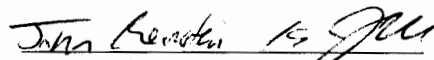
Respectfully submitted  
On behalf of plaintiffs,

Date: July 6, 2006



Jonathan L. Mannina, BBO # 636492  
Kate J. Fitzpatrick, BBO # 664711  
Legal Assistance Corporation  
of Central Massachusetts  
405 Main Street, Fourth Floor  
Worcester, Massachusetts 01608  
(508) 752-3718

Date: July 6, 2006

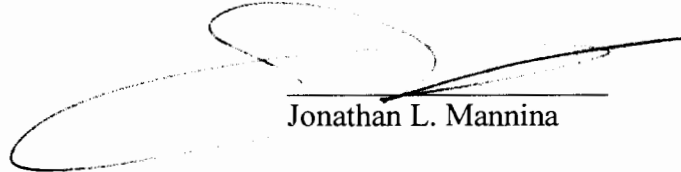


John Reinstein, BBO # 416120  
American Civil Liberties Union  
of Massachusetts  
211 Congress Street, Suite 300  
Boston, Massachusetts 02110  
(617) 482-3170

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I, Jonathan L. Mannina, certify that I conferred with counsel for the defendant in an effort to resolve or narrow the issues that led to the filing of this motion, as required by Local Rule 7.1.

Dated: July 6, 2006

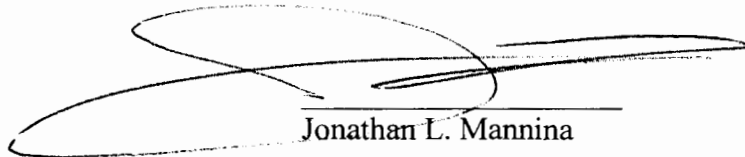


Jonathan L. Mannina

CERTIFICATE OF SERVICE

I, Jonathan L. Mannina, attorney for the plaintiffs, hereby certify that I have on this 6<sup>th</sup> day of July, 2006, mailed the within, postage prepaid, to David M. Moore, Esq, City Solicitor, 455 Main Street, Room 301, Worcester, MA 01608.

Dated: July 6, 2006



Jonathan L. Mannina